

Chapter 9.80

COST RECOVERY—FIRE DEPARTMENT

Sections:

9.80.010 Purpose.

9.80.020 Definitions.

9.80.030 Recovery authorization and procedure.

9.80.040 No admission of liability.

9.80.050 Action to recover expenses.

9.80.010 Purpose.

This chapter shall provide procedures for recovering costs incurred by the city or the fire department for assistance rendered by the city or the fire department in responding to hazardous materials emergencies, aggravated fire emergencies and aggravated emergency medical responses.

9.94.020 Definitions.

As used in this chapter:

A. “Hazardous materials emergency” means a sudden or unexpected release of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

B. “Aggravated fire emergency” means:

1. A fire proximately caused by the owner or occupier of property or a structure, which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat, and the fire:

a. Is caused or contributed to by the failure to comply with an order from any city agency, department or official;

b. Occurs as a direct result of a deliberate act in violation of the ordinances or regulations of the city; or

c. Is caused by arson.

2. An alarm that results in a fire unit be-

ing dispatched, and the person transmitting, or causing the transmission of, the alarm, knows at the time of said transmission that no fire or fire related emergency exists.

C. “Aggravated medical emergency” means an alarm that results in a fire unit or an emergency medical unit being dispatched, and the person transmitting, or causing the transmission of, the alarm, knows at the time of said transmission that there are no reasonable grounds for believing that a medical emergency exists.

D. “Expenses” means the actual costs of government and volunteer personnel including worker’s compensation benefits, fringe benefits, administrative overhead, costs of equipment operation, costs of materials, costs of disposal and the cost of any contract labor and materials.

E. “Fire department” means the Unified Fire Authority or other entity providing fire protection services to the city.

9.80.030 Recovery authorization and procedure.

The city is hereby empowered to recover expenses incurred by virtue of the city’s or the fire department’s response to a hazardous materials emergency, aggravated fire emergency or an aggravated medical emergency from any person, corporation, partnership or other individual or entity who caused such an emergency, pursuant to the following procedure:

1. The fire department shall determine responsibility for the emergency or response as defined above, and the city shall notify the responsible party by mail of the fire department’s determination of responsibility and the expenses to be recovered;

2. The notice shall specify that the determined responsible party may appeal the fire department’s decision;

3. In the event the determined responsible party appeals the determination, a hearing officer shall hold a hearing to consider any issues raised by the appeal, at which hearing

the appealing party and the city shall be entitled to present evidence in support of their respective positions. The hearing officer shall be appointed by the city council; and

4. After the hearing, the hearing officer shall make a recommendation to the city council which shall issue a decision determining responsibility and assessing expenses. The city council may adopt, modify or remand the recommendation of the hearing examiner for further proceedings. The city council may, in its sole discretion, hear additional evidence prior to issuing its decision.

9.80.040 No admission of liability.

The payment of expenses determined owing under this chapter does not constitute:

- A. An admission of liability or negligence in any legal action for damages; or
- B. A criminal fine.

9.80.050 Action to recover expenses.

In the event the parties determined to be responsible for the repayment of expenses incurred due to the city's or the fire department's response to such an emergency fail to make payment to the city within 30 days after issuance of the order or 30 days from the deadline for appeal in the event no appeal is filed, the city may initiate legal action to recover from the determined responsible parties the expenses determined to be owing, including the city's reasonable attorney fees.